

NOV 26 2018

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BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

In re: Kimberly Daniels  
Respondent.

Complaint No. 18-026

**JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER**

Respondent, Kimberly Daniels, and the Advocate for the Florida Commission on Ethics enter into this Joint Stipulation of Fact, Law, and Recommended Order with respect to the above-styled Complaint. Subject to acceptance by the Commission on Ethics, the parties agree that they enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

**STIPULATED FINDINGS OF FACT**

1. Respondent served as a member of the Jacksonville City Council and currently serves as a member of the Florida House of Representatives and therefore is subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.

2. On February 12, 2018, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent violated the Code of Ethics.

3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on July 2, 2018.

4. On September 7, 2018, the Commission on Ethics found probable cause to believe Respondent had violated Article II, Section 8, Florida Constitution, and Section 112.3144,

Florida Statutes. The allegations are:

- I. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2012 CE Form 6, "Full and Public Disclosure of Financial Interests."
- II. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2013 CE Form 6, "Full and Public Disclosure of Financial Interests."
- III. Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2014 CE Form 6, "Full and Public Disclosure of Financial Interests."
5. Respondent admits the allegations as set forth in paragraph four (4), above.

#### **STIPULATED CONCLUSIONS OF LAW**

6. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.
7. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.
8. Respondent filed an inaccurate 2012 CE Form 6, "Full and Public Disclosure of Financial Interests."
9. Respondent filed an inaccurate 2013 CE Form 6, "Full and Public Disclosure of Financial Interests."
10. Respondent filed an inaccurate 2014 CE Form 6, "Full and Public Disclosure of Financial Interests."
11. The Commission finds that the filing of such inaccurate reports, stated in paragraph 4, above, are violations of Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.
12. Respondent has now filed amended CE Form 6, "Full and Public Disclosure of

"Financial Interests" forms for each of the three years referenced above.

### **STIPULATED RECOMMENDED ORDER**

13. The Advocate accepts Respondent's stipulation in this proceeding.

14. The Advocate and Respondent have entered into this Joint Stipulation and urge the Commission on Ethics to approve it in lieu of further hearings in this cause.

15. Therefore, the parties recommend that:

(a) The Commission on Ethics approve this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties; and

(b) The Commission on Ethics enter a Final Order and Public Report consistent with this Joint Stipulation finding that Respondent violated the Florida Constitution and Section 112.3144, Florida Statutes, and refer the matter to the Speaker of the Florida House of Representatives for action consistent with Section 112.324(4), Florida Statutes.

### **FURTHER STIPULATIONS**

16. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Joint Stipulation of Fact, Law, and Recommended Order with full knowledge and understanding of its contents. Respondent and the Advocate further stipulate and covenant that this Joint Stipulation constitutes the full agreement of the parties and that there are no oral or written understandings between the parties other than those contained in this Joint Stipulation of Fact, Law, and Recommended Order.

17. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, they accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

18. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this document shall be of no purpose and effect and shall not be deemed an admission by Respondent.

19. Respondent enters into this Joint Stipulation with the understanding of the seriousness of the allegations and gives her assurance that this proceeding has affected the manner in which she conducts herself as a public official in a positive way.

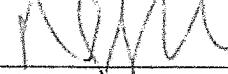
20. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

Signed, dated and entered into:

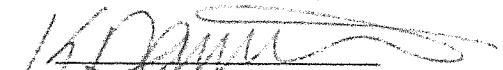
this 26<sup>th</sup> day of Nov., 2018.

  
MELODY A. HADLEY  
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this 20<sup>th</sup> day of November, 2018.

  
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Attorney for Respondent

this 20 day of November, 2018.



Kimberly Daniels  
Respondent